IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 1353 of 2002

Between:

S.Prameela, D/o Deva Danam, aged 49 yrs
Sion Puram, Near Beracah Church,Cuddapah.

....PETITIONER

AND

1 Government of A.P., Rep.by Regional Director School Education, Cuddapah.

2 The District Educational Officer,
Cuddapah.

3 The Correspondent, C.S.I. High School,
Cuddapah.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ in the nature of MANDAMUS or any other appropriate writ or order or direction directing the respondents to regularize the service of the Writ Petitioner as B.Ed. Assistant with effect from 01.02.1983 and to grant all consequential benefits including seniority, promotion etc., and to pass such other orders or order as this Hon'ble Court may deem fit and proper under the circumstances of the case.

Counsel for the Petitioner: MR.T.V.S.KUMAR
Counsel for the Respondent Nos.1 and 2: GP FOR SCHOOL EDUCATION
Counsel for the Respondent No.3: None appeared

The Court made the following :

ORDER

Heard Mr.T.V.S.Kumar, learned counsel appearing on behalf of the petitioner and also learned Government Pleader for School Education appearing on behalf of the respondents and at their request, the main Writ Petition itself is taken up for disposal.

The petitioner herein, who has been working with the 3rd respondent filed this Writ Petition *inter alia* seeking a mandamus, for a direction to regularize the services as B.Ed., Assistant w.e.f.01-02-1983 and also grant all benefits to which she is entitled to including seniority and promotion etc.,

The case of the petitioner is that she was initially appointed as B.Ed., Assistant on 01-02-1983 and the same was approved by the competent authority viz., District Educational Officer on 17-12-1983. Thereafter she was transferred from B.Ed., grade teacher on
4-7-1984 and again she was transferred on 6-7-1990 as Secondary grade teacher. Thereafter, the petitioner was also promoted as B.Ed., Assistant on 20-2-1995. In spite of such long service, her case has remained unconsidered. Hence the Writ Petition.

In the counter affidavit filed on behalf of the respondents, it is stated that having regard to the fact that the Management could not take proper steps for such approval at the appropriate time, the authorities cannot be made responsible.

Having heard the counsel on either side and on perusal of record, the only

question which remains to be considered in this Writ Petition is as to whether the petitioner is entitled for regularization of her services?

On the facts as stated in the writ affidavit and as reiterated in the counter affidavit, there is no dispute of the fact that the petitioner has been in service from the year 1983 onwards. However, there is no approval in regard to her appointment at any stage of the aforesaid events as pointed out by her. Now in the Writ Petition, she seeks for regularization of her services in the absence of proper approval as contemplated under the law. The petitioner cannot make any such request for regularization of her services.

During the course of arguments it is pointed by the learned counsel appearing on either side, that the petitioner has filed a detailed comprehensive representation on
03-11-2000 before the Commissioner of School Education wherein it is pointed out to regularize her services and to consider her case sympathetically for approving her post and allow all other benefits under the law. The said representation was admittedly unconsidered and not disposed of and no orders have been passed. Having regard to the same, it is not necessary to go into the merits especially in the absence of approval of the post and necessarily the same has to be considered by the authorities concerned. It would suffice in the interest of justice to direct the authorities to consider the said representation and pass orders on merits in accordance with law.

It is represented by the learned counsel for the petitioner that a copy was also marked to the 1st respondent.

In view of the same, the Writ Petition is accordingly disposed of directing the 1st respondent to consider the said representation, dated 03-11-2000 and pass orders on merits in accordance with law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

29-03-2005.

Note: Issue CC in one week

B/o

Hsd

Asst. Registrar

To

1 Regional Director School
Education, Government of A.P. Cuddapah.

2 The District Educational Officer,
Cuddapah.

3 The Correspondent, C.S.I. High School,
Cuddapah.

4 2 C. Cs to G.P. for School Education, High Court
buildings Hyderabad (OUT)

5 2 CD copies.